

AN ORDINANCE AMENDING CHAPTER 58 OF THE BRANSON MUNICIPAL CODE PERTAINING TO FACE COVERINGS, PUBLIC SPACES AND THE SPREAD OF COMMUNICABLE DISEASES.

WHEREAS, In December 2019, a new coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally and into the United States; and

WHEREAS, COVID-19 is spread between people who are in close contact with one another (within about 6 feet) or through respiratory droplets produced when an infected person coughs or sneezes and as such presents an imminent threat of widespread illness and even death in some cases; and

WHEREAS, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, President Donald Trump, under the Constitution and the laws of the United States of America, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), found and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 13, 2020, Governor Michael Parson, signed Executive Order 20-02 declaring a state of emergency in the State of Missouri in response to COVID-19 and that state of emergency has been extended under Executive Order 20-12 to December 31, 2020; and

WHEREAS, on March 17, 2020, an emergency proclamation was issued by the Mayor of the City of Branson in accordance with Chapter 34 of the Branson Municipal Code and Chapter 44 of the Missouri Revised Statutes in response to life health and safety risk to the citizens of Branson as a result of the COVID-19 pandemic; and

WHEREAS, Governor Michael Parson announced through a press release on June 11, 2020 that the State of Missouri would "fully reopen" and "there will be no statewide health order" in place; and

WHEREAS, COVID-19 has spread rapidly amongst the population of Missouri with twenty-seven thousand four hundred and forty-three (27,443) reported cases and one thousand sixty-nine (1,069) deaths as of 2pm on Sunday, July 12, 2020; and

WHEREAS, Taney County has seen a 846% increase from thirteen (13) positive COVID-19 cases on June 6th to one-hundred and twenty-three (123) positive COVID-19 cases as of 2pm on Sunday, July 12, 2020; and

WHEREAS, health professionals and experts including members of the Centers for Disease Control (CDC), Cox Health and our local Health Department have consistently maintained that face coverings and social distancing are critical components to slowing the spread of COVID-19; and

WHEREAS, the CDC recommends the use of face coverings based on the role respiratory droplets play in the spread of the virus that causes COVID-19, paired with emerging evidence from clinical and laboratory studies that shows cloth face coverings reduce the spray of droplets when worn over the nose and mouth; and

WHEREAS, the Board of Aldermen “may make regulations and pass ordinances for the prevention of the introduction of contagious diseases in the city, and for the abatement of the same, and may make quarantine laws and enforce the same within five miles of the city” under Section 78.380 of the Missouri Revised Statutes.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, THE FOLLOWING:

Section 1: It is the intention of the Board, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 58, Article I – *In General*; Chapter 58 – Article X – *Communicable Disease*; Section 58-1 – *Definitions*; Section 58-386 – *Purpose*; Section 58-387 – *Personal Conduct Prohibited*; Section 58-388 – *Operation of Public Spaces*; Section 58-389 – *Signage*, Section 58-390 – *Penalties* of the Branson Municipal Code are hereby amended or added to read as follows:

ARTICLE I. – IN GENERAL

Sec. 58-1 – Definitions.

Public space means for purposes of this Chapter an indoor or outdoor area to which the public is invited or in which the public is permitted, including but not limited to, banks, convention facilities, common areas, promenades, shopping malls, common areas of hotels and motels, laundromats, museums, reception areas, restaurants, retail establishments, retail stores, schools, spas, sports arenas, theaters, waiting rooms, amusement parks, attractions, and any place where food is prepared or stored.

Face covering means a particulate mask or fabric covering of the nose and mouth secured to the face with ties, loops or elastic that is covering the nose and mouth.

ARTICLE X- COMMUNICABLE DISEASE

Sec. 58-386 – Purpose

This article is enacted to mandate restrictions on conduct to prevent the introduction and spread of contagious diseases in the City by requiring face coverings and encouraging social distancing amongst persons in the City.

Sec. 58-387 – Personal Conduct Prohibited

Except as otherwise provided in this Article, it is unlawful for any person to be in a public space without wearing a face covering subject to the following exceptions:

(1) Children under the age of 13;

(2) Any person with a health condition documented by a medical professional that prohibits wearing a face covering;

(3) Any person who is hearing impaired, or someone who is communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;

(4) Any person who is in a public place while seated and maintaining a physical distance of at least six feet from other persons who are not family members or reside together, but such persons must wear a face covering while in waiting areas and while walking to and from seating or other parts of the premises;

(5) Any person in the water at a swimming pool;

(6) Any person who is obtaining a service involving the head, face or nose for which temporary removal of the face covering is necessary to perform the service;

(7) Any person playing a sport, exercising or using exercise equipment;

(8) Any person who is outdoors while maintaining physical distancing of at least six feet, except as otherwise provided in this Article;

(9) Any person who is outdoors who is closer than six feet to family members or people who they reside with;

(10) Any person performing on a fixed stage;

(11) Any person engaged in public speaking who maintains a minimum physical distance of six feet from others who are not family members or who reside together;

(12) Any public safety officer engaged in an emergency situation;

(13) Any person during a wedding ceremony or while photographs of the wedding and reception are taken; and

(14) Any family member of a deceased person during a funeral, interment, or memorial.

Section 58-388 – Operation of Public Spaces

It is unlawful for any person operating a public space to allow any person in the public space who is not wearing a face covering unless that person in the public space is excepted from wearing a face covering as provided in this Article.

Section 58-389 – Signage Required for Business Operations

(a) It shall be unlawful for any business to be open to the public unless at the points of ingress and egress to the premises there is prominently displayed a sign no smaller than 8.5 inches tall by 11 inches wide which shall contain the following in red lettering at least one-half inch high on white background:

“1. IT IS A VIOLATION OF THE LAW TO ENTER THE PREMISES WITHOUT A FACE COVERING. IF YOU DO NOT FEEL WELL PLEASE GO HOME.

2. PLEASE MAINTAIN AT LEAST SIX FEET (6') OF DISTANCE BETWEEN INDIVIDUALS THAT ARE NOT FAMILY MEMBERS OR DO NOT RESIDE TOGETHER."

(b) A business shall be in compliance with this Section if they display signage that has been provided to the business by the City of Branson.

Section 58-390 – Penalties

(a) A person who fails to wear a face covering when wearing a face covering is required by the provisions of this Article upon conviction shall be punished by a fine of \$100.00 and court costs.

(b) A person who owns, manages, operates, or otherwise controls a public place at which wearing face covering is required by this Article and who fails to comply or to require compliance with the provisions of this Article upon conviction shall be punishable by a fine of \$100.00 and court costs.

No person shall be in violation of this subsection if such person or the place the person owns, manages, operates or otherwise controls requires compliance with the provisions of this Article to wear a face covering and a person that is allowed in the public space refuses to wear a face covering.

(c) In addition to the fines established by this section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place at which face coverings are required by this Article may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE WHICH IS ~~[BRACKETED, STRICKEN]~~ HAS BEEN REMOVED.

Section 3: This ordinance shall be in full force and effect at 12:01 AM on July 31, 2020 after its passage by the Board of Aldermen and approval by the Mayor and remain in effect until 11:59 PM September 8, 2020 at which time the Sections above will be repealed in their entirety.

Read, this first time on this 28th day of July, 2020.

Read, this second time, passed and truly agreed to by the Board of Aldermen of the City of Branson, Missouri on this 28th day of July, 2020.




ATTEST:


Lisa K. Westfall
City Clerk



E. Edd Akers
Mayor

APPROVED AS TO FORM:

 #51831 7/28/20

Chris Lebeck #51831
City Attorney